

In the Supreme Court of the State of Alaska

Terrace L Solomon,
Appellant,

v.

Wendy Solomon,
Appellee.

Supreme Court No. **S-17476**

Order

Date of Order: **June 30, 2020**

Trial Court Case No. **3AN-15-04521CI**

Appellant Terrace Solomon filed this appeal in June 2019. The appellant's brief notice, dated November 26, 2019, informed Mr. Solomon that his opening brief was due on or before December 16, 2019.

As described in the court's April 3, 2020 order, Mr. Solomon was, over time, granted 100 days of extensions in which to file his opening brief. He was advised in that order that his appeal would be dismissed for lack of prosecution if he did not file an opening brief by May 1, 2020. He filed the opening brief on May 5, 2020, but it was returned for corrections because of various failures to comply with the Appellate Rules, with an order that a corrected brief be filed on or before May 20, 2020. Mr. Solomon did not comply with that deadline. On June 5, 2020, having not received a corrected brief, the court issued an order advising that it had determined to accept the previously filed brief in light of the court's "general leniency in applying the Appellate Rules to self-represented litigants' briefs." That brief has been bound and distributed.

By motion dated June 15, 2020 Mr. Solomon now asks the court to accept a late-filed replacement for his opening brief "due to the complexity and new evidence recently discovered." By motion dated June 22, 2020 Mr. Solomon also asks that the record "be supplemented with evidence that was not available at trial."

The replacement brief suffers from the same technical deficiencies as the brief the court has already accepted. In addition, evidence not available at trial will not be considered on appeal. *See* Appellate Rule 210(a) (“Material never presented to the trial court may not be added to the record on appeal.”).

Accordingly, on consideration of Appellant’s Motion to Accept Late Filed Appeal (construed as a motion to file a replacement brief) dated June 15, 2020, Appellee’s Opposition dated June 23, 2020, and Appellant’s Motion for Supplementing the Record with New Evidence dated June 22, 2020,

IT IS ORDERED:

The motions are **DENIED**.

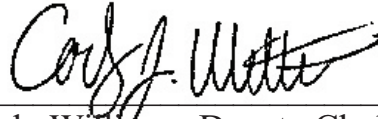
On June 29, 2020, Appellee notified this court that she will not be participating in this appeal. Accordingly, this appeal will now be submitted for decision on the appellant’s brief alone.

If the appellant wishes to orally argue this appeal and has not already filed a request for oral argument, the appellant must file a written request for oral argument by **July 13, 2020**.

Entered under the direction of an individual Justice.

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Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read "Carly Williams", written over a horizontal line.

Carly Williams, Deputy Clerk

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